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**2003 Wis Eth Bd 03**  
**FEES AND HONORARIUMS; IMPROPER USE OF OFFICE**

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The Ethics Board advises:

For chairing a conference about state government issues, a state public official may accept an award sanctioned, approved, endorsed by, and presented under the auspices of the organization that is sponsoring the conference but may not accept an award from another organization.

Advice

¶1 An association of private sector government affairs professionals has an award program that entails the presentation of an award to the chair of a conference that your organization sponsors each year. You have asked whether the award may be presented to a Wisconsin public official who chairs the conference.

¶2 Section 19.56, *Wisconsin Statutes*, provides:

**19.56 Honorariums, fees and expenses.** (1) Every state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive, or judicial processes and proposals and issues initiated by or affecting a department or the judicial branch.

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(3) Notwithstanding s. §19.45:

(a) A state public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official may retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in sub. (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

¶3 If the award you have asked about is sanctioned, approved, endorsed by, and presented under the auspices of, i.e. arranged by, your organization that is sponsoring the conference, then your organization may proceed to arrange for and present the award; no other organization may present the award independent of the sponsoring organization's arrangement.

¶4 If your organization arranges for and presents the award, the official will be obliged to report its receipt. In reporting the item's value the official will be obliged to report the retail value, i.e. the cost of acquiring the same or similar piece on the open market.

**19.56(2)(a)** Except as provided in par. (b), every official required to file who receives for a published work or for the presentation of a talk or participation in a meeting, any lodging, transportation, money or other thing with a combined pecuniary value exceeding \$50 excluding the value of food or beverage offered coincidentally with a talk or meeting shall, on his or her statement of economic interests, report the identity of every person from whom the official receives such lodging, transportation, money or other thing during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.

(b) An official need not report on his or her statement of economic interests under par. (a) information pertaining to any lodging, transportation, money or other thing of pecuniary value which:

1. The official returns to the payor within 30 days of receipt;
2. Is paid to the official by a person identified on the official's statement of economic interests under s. §19.44(1)(e) or (f) as a source of income;
3. The official can show by clear and convincing evidence was unrelated to and did not arise from the recipient's holding or having held a public office and was made for a purpose unrelated to the purposes specified in sub. (1);
4. The official has previously reported to the board as a matter of public record;
5. Is paid by the department or municipality of which the official's state public office is a part, or, in the case of a district attorney, is paid by that department or a county which the district attorney serves, or, in the case of a justice or a judge of a court of record, is paid from the appropriations for operation of the state court system; or
6. Is made available to the official by the department of commerce or the department of tourism in accordance with sub. (3)(e), (em) or (f).